THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO.3335 OF 2006

DATED: 23-02-2006

BETWEEN:

Smt. Poosapati Ammaji,

W/o.Late Krishna Murthy Raju … Petitioner

and

The District Collector, Visakhapatnam District

And two others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 3335 OF 2006

ORDER:

Petitioner filed this writ petition seeking to declare the action of the respondents from interfering with his possession of the land admeasuring Ac.4.89 cents in Survey No.134/2 situated at Paradesipalem village, China Gadili Mandalam, Visakhapatnam District as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioner submitted that the petitioner is in possession and enjoyment of an extent of Ac.4.89 cents in Survey No.134/2 situated at Paradesipalem village, China Gadili Mandalam, Visakhapatnam District. It is stated that the petitioner also developed the said land and claims that she is the

owner and possessor of the same.

In view of the fact that I am not inclined to express any opinion on the merits of the case whether the petitioner is the owner of the said land or whether she is only the encroacher of the government land. It is also not known whether the said land is an assigned land. However, petitioner is in possession, the respondent cannot dispossess the petitioner without following due procedure prescribed under law.

Having regard to the facts and circumstances of the case, the respondents are hereby directed not to dispossess the petitioner without following due process of law.

Writ petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH, J.

Dated: 23-02-2006

Note:

Issue C.C. within three days.

(B/O)

RNS